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Attorney for Defendants

TEACHBK, INC., ILYA KISELEV, and

ANDREI BURTSEV

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MIRIAM GOLDBERG, a/k/a Marina
Sokolovskaya,

Plaintiff,

vs.

TEACHBK, INC., ILYA KISELEV and
ANDREI BUTSEV

Defendants.

Case No.: 3:24-cv-4525

**[PROPOSED] ORDER GRANTING
DEFENDANTS' SPECIAL MOTION TO
STRIKE PLAINTIFF'S COMPLAINT**

[Cal. Civ. Proc. Code § 425.16]

Date: November 12, 2024

Time: 10:30 a.m.

Judge: Hon. Lisa J. Cisneros

Dept: Courtroom G, 15th Floor

**Location: San Francisco Courthouse
450 Golden Gate Ave.,
San Francisco, CA 94102**

Action Filed: July 26, 2024

1 Defendants TEACHBK, INC., ILYA KISELEV, and ANDREY BURTSEV's Anti-
2 SLAPP Motion to Strike Plaintiff's Complaint ("Motion") came on for hearing in Courtroom G
3 of this Court on November 12, 2024. Appearances were made as noted on the record.

4 After full consideration of the opening, opposition, and reply briefs, the evidence
5 submitted by the parties, and oral argument presented by counsel, the Court hereby grants the
6 Motion and rules as follows:

7 Defendants met their burden in the first step of the anti-SLAPP analysis by
8 demonstrating that all of Plaintiff's claims arise from Defendants' conduct in furtherance of
9 their exercise of the right of free speech in connection with issues of public interest and/or
10 exercise of their right to petition. Plaintiff's Complaint is, therefore, subject to a special motion
11 to strike under California's anti-SLAPP statute, C.C.P. § 425.16.

12 Plaintiff is determined to be a limited public figure. The issues of immigration and
13 search for missing persons have "foreseeable and substantial ramifications for nonparticipants".
14 *Copp v. Paxton*, 45 Cal.App.4th 829 (1996); *Kaufman v. Fid. Fed. Sav. & Loan Ass'n*, 140
15 Cal.App.3d 913 (1983). Plaintiff has made substantial efforts to inject herself into the public
16 debate on these issues by holding herself out as an expert on immigration and missing person
17 issues by producing content on those issues for public consumption.

18 Plaintiff did not meet her burden in the second step of the anti-SLAPP analysis. The
19 evidence submitted by Plaintiff in opposition to Defendants' Motion failed to establish that
20 Defendants were motivated by hatred or ill will or lacked reasonable ground and thereby were
21 reckless in believing their posts about Plaintiff were true. Therefore, Plaintiff did not to
22 establish a prima facie case for the Defamation Per Se and the Defamation Per Quod causes of
23 action alleged in the Complaint.

24 The Court further finds that Defendants' statements about Plaintiff made in the videos
25 posted on TeachBK YouTube channel, or elsewhere on Defendants' Instagram or website, as
26 alleged in Plaintiff's Complaint, are protected under the common interest, the fair comment, the
27 litigation and/or the *Noerr-Pennington* privileges.

28 The Court denies Plaintiff's request to amend her Complaint. *Simmons v. Allstate Ins.*

1 Co., 92 Cal.App.4th 1068 (2001); *Sylmar Air Conditioning v. Pueblo Contracting Services*,
2 Inc., 122 Cal.App.4th 1049, 1055 (2004).

3 THEREFORE IT IS ORDERED THAT:

- 4 1. Defendants TEACHBK, INC., ILYA KISELEV, and ANDREY BURTSEV's
5 Anti SLAPP Motion to Strike Plaintiff's Complaint is GRANTED;
6 2. Plaintiff's entire Complaint is stricken and dismissed with prejudice;
7 3. Defendants may recover attorney's fees and costs by a separate motion. Cal. Civ.
8 Proc. Code §425.16(c).

9 IT IS SO ORDERED.

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12 Dated: _____

13 The Honorable LISA J. CISNEROS
14 Magistrate Judge of the United States
15 District Court
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